

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
§
v. § No. 4:16CR176
§
§
JAMES MORRIS BALAGIA (3) §
§
a.k.a. “DWI Dude” §
§

**GOVERNMENT'S AMENDED RESPONSE TO DEFENDANT'S
MOTION TO CONTINUE**

On December 30, 2018, the defendant, James Balagia, filed a Motion to Continue the specially set trial in this case from February 4, 2019. (Doc. 216). The court filed an Order (Dkt. 240) requesting the government's position regarding the trial setting in this matter. The government now believes that the trial setting should be continued to a later date.

The government and the defense have continually attempted to resolve discovery matters. However, despite the efforts of the government, the search the defendant has requested related to HSI documents have not been completed and because of, among other things, the government “shut down,” the government is not confident that this remaining discovery matter can be completed before trial.

It should be noted that the government's position stated in the Response to the Defendant's Motion to Compel (Doc. 203) remains that the defendant is not entitled to the HSI documents and that this search is a fishing expedition. However, the government did agree to request the records from counsel for HSI and the records have not been received.

The Court has ordered that the government file two documents by January 22, 2019 (see Dkt. 235 and 240). The government further requests that these deadlines be re-set.

CONCLUSION

The government respectfully requests that this Court grant the defendant's Motion to Continue based on the facts noted above.

Respectfully submitted,

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UNITED STATES ATTORNEY

/s/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been served on counsel of record for defendant via e-mail transmission on this the 18th day of January, 2019.

/s/
Heather Rattan